

UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

NORTH CAROLINA

THOMAS KRAKAUER

EXHIBIT AND WITNESS LIST

V.

Case Number: 14CV333

DISH NETWORK L.L.C.

PRESIDING JUDGE Catherine C. Eagles					PLAINTIFF'S ATTORNEY John Barrett, Brian Glasser	DEFENDANT'S ATTORNEY Peter Bicks, Elyse Echtman
TRIAL DATE (S) 1-10-17 / 1-19-17					COURT REPORTER Lori Russell	COURTROOM DEPUTY MARLENE SANDERS
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
✓		1/11/17	—	—	Thomas KRAKAUER Plaintiff	
282		1/11/17	1/11/17	1/11/17	Emails 5-9-09 re: vendor inquiry	
✓	81		1/11/17	1/11/17	Direct TV Annual Programming Commitment Agreement	
✓	63		1/11/17	1/11/17	Direct TV Order Receipt	
✓		1/11/17	—	—	Amir Ahmed, senior vice president Dish	
✓	55		1/11/17	1/11/17	7-1-9 Assurance of Voluntary Compliance	
✓	89		1/11/17	1/11/17	6-6-11 Indirect Sales Powerpoint	
✓	334		1/11/17	1/11/17	Power Point re: OE program	
✓	1303		1/11/17	1/11/17	Dish Order Entry Tool	
✓	26		1/11/17	1/11/17	EchoStar Retailer Agree. 12-31-06	
✓	JTX1		1/11/17	1/11/17	EchoStar Retailer Agreement 12-31-06	
✓	28		1/11/17	1/11/17	12-31-06 OE Retailer Agreement	
✓	29		1/11/17	1/11/17	12-31-10 Dish Retailer Agreement	
✓	JTD		1/11/17	1/11/17	" " "	
✓	241		1/11/17	1/11/17	Retailer OE Promotional Program	
✓	1160		1/11/17	1/11/17	1-30-17 Emails between Oberbillig, Werner, et al	

* include a notation as to the location of any exhibit not held with the case file or not available because of size.

EXHIBIT AND WITNESS LIST - CONTINUATION

THOMAS KRAKAUER			vs.	DISH NETWORK L.L.C.		CASE NO.
						14CV333
PLF.	DEF.	DATE	MARKE	ADMIT	DESCRIPTION OF EXHIBITS AND WITNESSES	
656			11/17	11/17	1-30-17 Email Werner, et al	
186			11/17	11/17	3-21-05 Judgment - NC v SSN	
194			11/17	11/17	9-26-05 E-mails Novak, Ahmed, et al	
120			11/17	11/17	9-30-05 E-mails Oberbillig, et al	
504			11/17	11/17	1-30-07 Emails Oberbillig, et al	
190			11/17	11/17	1-30-07 Emails between Ahmed, Ergen et. al.	
55			11/17	11/17	Previously marked	
JTX 3			11/17	11/17	1-30-07 Emails Oberbillig	
JTX 1			11/17	11/17	Previously marked	
84			11/17	11/17	Retailer Agreement 3-7-01	
186			11/17	11/17	Previously marked	
120			11/17	11/17	Previously marked	
656			11/17	11/17	Previously marked	
160			11/17	11/17	Previously marked	
✓	12/17		—	—	Regi Musso, Compliance Manager	
15			12/17	12/17	5-24-07 SSN Retailer Agmt.	
2			12/17	12/17	Facts Blast 11-11-06	
191			12/17	12/17	11-4-04 Action in ^{Press Release} Telemarketing	
656			12/17	12/17	Previously marked	
504			12/17	12/17	Previously marked	
509			12/17	12/17	Previously marked	
503			12/17	12/17	1-30-07 Emails Oberillig, et al.	
607			12/17	12/17	1-30-07 Emails Oberbillig, et al.	
8			12/17	12/17	5-4-10 Email to Shaffer from Vendor Inquiries	

EXHIBIT AND WITNESS LIST - CONTINUATION

THOMAS KRAKAUER		vs.		DISH NETWORK L.L.C.		CASE NO.
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PLF.	DEF.	DATE	MARKE	ADMIT	DESCRIPTION OF EXHIBITS AND WITNESSES	
52			1/12/17	1/12/17	S-12-10 Letter to Tehranchi ^{from} Russo	
899			1/12/17	1/12/17	E-mail from Russo re: SSN	
1048			1/12/17	1/12/17	OE PARTNER OA Action ^{Page 6} Plans	
1299			1/12/17	1/12/17	2010 Emails between Quader, Rukas, et. al.	
70			1/12/17	1/12/17	10-12-09 Emails between Caldwell & Russo	
28			1/12/17	1/12/17	Retailer Chat Possible Now	
6			1/12/17	1/12/17	Email re: SSN	
9			1/12/17	1/12/17	Tehranchi Re: KRAKAUER complaint	
8			1/12/17	1/12/17	SSN Response 5-28-09	
282			1/12/17	1/12/17	Previously marked	
1048			1/12/17	1/12/17	Previously marked	
2			1/12/17	1/12/17	Previously marked	
2			1/12/17	1/12/17	Previously marked	
1			1/12/17	1/12/17	Facts Blast 4-16-07	
15			1/12/17	1/12/17	Previously marked	
16			1/12/17	1/12/17	Email Russo re: SSN	
5			1/12/17	1/12/17	S-17-10 Possible Now Grace Period	
15			1/12/17	1/12/17	Email Russo to Tehranchi	
			1/12/17	—	Video depo BAHAR TEHRANCHI	
22			1/12/17	1/12/17	2-15-09 ^{outbound} SALES Script SSN Retailer	
22			1/12/17	1/12/17	Addendum Service Order	
26			1/12/17	1/12/17	Report of DNC S Scrub Session	
			1/12/17	—	DAVID Video depo David Hill	
2007			1/12/17	1/12/17	Affidavit of David Hill	
13			1/12/17	1/12/17	Five9 Contract	
			1/12/17	—	TANYA MASHENNIKOV (^{Read} deposition)	

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PLF.	DEF.	DATE	MARKE	ADMIT	DESCRIPTION OF EXHIBITS AND WITNESSES	
✓ 197			1/12/17	1/12/17	12-21-12 Declaration Tanya Maslennikov	
✓		1/12/17	—		ANNA Verhovskaya	
					DRRT Data / AB Data	
					Expert in data analysis	
✓ 2008			1/12/17	1/12/17	Analysis of Five 9 ^(only for record) call records	
✓ 18			1/12/17	1/12/17	Five 9 Call Records	
✓ 2018			1/12/17	1/12/17	Joint Stipulation pages 1-5	
✓ 2058			1/13/17	—	Myerscough Opinion ^(only for record)	
	25		1/13/17	—	FTC Report of DNC ^(excluded)	
	38				Lexis Nexis Data	
16					Summary of Five 9 calls ^{to} Krakauer	
	208				Summary of Five 9 call data	
					(203)-685-7296	
2000					All class telephone numbers & calls	
	209				Call center record (209) 369-6048	
					Plaintiff Rests	
✓		1/13/17	—		Jim De Franco, Founder	
					of Dish, Executive Vice President	
✓	JTX 2		1/13/17	1/13/17	Previously marked	
✓ 55			1/13/17	1/13/17	Previously marked	
✓ 3			1/13/17	1/13/17	Script Retailer Chat	
✓ 70			1/13/17	1/13/17	Previously marked	
✓ 22			1/13/17	1/13/17	Previously marked	
✓	2		1/13/17	1/13/17	Previously marked	
	✓	1/17/17	—		Dr. Debra Aron, Navigant	
					Economics Managing Director	
✓ 2008			1/17/17	1/17/17	Previously marked	

